

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

JASON BRAIN,

Plaintiff,

vs.

BRIAN GOOTKIN, JIM SALMONSEN,
PACIFIC NORTHWEST MEDICAL
CENTER, DR. REES,

Defendants.

CV 21-00028-H-SEH

ORDER

Plaintiff Jason Brain (“Brain”) brought suit on April 6, 2021, alleging deliberate indifference and an Eighth Amendment constitutional violation arising from Defendants’ failure to provide treatment for his Hepatitis C.¹ Defendants filed a Motion to Dismiss for Failure to State a Claim on July 26, 2021.² Brain did not respond. He is no longer in custody.³

The Court’s September 7, 2021, Order instructed both parties to explain their position regarding whether Brain’s claims were now moot.⁴ Defendants timely responded.⁵ Brain did not respond.

¹ Doc. 2 at 3–6.

² Doc. 9.

³ See Montana Correctional Offender Network, <https://app.mt.gov/conweb/search> (last visited Sept. 23, 2021).

⁴ Doc. 11.

⁵ Doc. 13.

Brain lacks a legally cognizable interest in the outcome of these proceedings.⁶ His claims are moot.

ORDERED:

1. Defendants' Motion to Dismiss for Failure to State a Claim⁷ is DENIED.
2. This matter is DISMISSED with prejudice as moot.
3. The Clerk of Court is directed to close this matter and enter judgment under Fed. R. Civ. P. 58.
4. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Fed. R. App. P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

DATED this 27th day of September, 2021.


Sam E. Haddon
United States District Judge

⁶ See *U.S. Parole Comm'n v. Geraghty*, 445 U.S. 388, 396 (1980).

⁷ Doc. 9.